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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,482	04/20/2004	Alfred A. Schroeder	L-0170.91	4863
41418	7590 11/21/2005		EXAM	INER
	ICES OF CHRISTOPHE	DOUGLAS,	DOUGLAS, STEVEN O	
1634 MILAM BUILDING 115 EAST TRAVIS STREET			ART UNIT	PAPER NUMBER
SAN ANTONIO, TX 78205-1763			3751	
			DATE MAILED: 11/21/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/828,482	SCHROEDER ET AL.	
Office Action Summary	Examiner	Art Unit	
	Steven O. Douglas	3751	
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wi	th the correspondence address	
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC R 1.136(a). In no event, however, may a re- riod will apply and will expire SIX (6) MON atute, cause the application to become AB	CATION. eply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on 3 This action is FINAL . 2b) ☑ T Since this application is in condition for allo closed in accordance with the practice under	This action is non-final. wance except for formal matt		
Disposition of Claims			
4) ⊠ Claim(s) <u>1-25</u> is/are pending in the applicat 4a) Of the above claim(s) is/are without 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1-3,5-7,15-17 and 19</u> is/are rejected 7) ⊠ Claim(s) <u>4,8-14,18 and 20-25</u> is/are objected 8) □ Claim(s) are subject to restriction and	drawn from consideration. ed. ed to.		
Application Papers			
9) The specification is objected to by the Exam 10) The drawing(s) filed on is/are: a) a Applicant may not request that any objection to Replacement drawing sheet(s) including the cor 11) The oath or declaration is objected to by the	accepted or b) objected to the drawing(s) be held in abeyand rection is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International Bur * See the attached detailed Office action for a	ents have been received. Lents have been received in A Depriority documents have been Leau (PCT Rule 17.2(a)).	pplication No received in this National Stage	
Attachment(s)	. 🗖		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB. Paper No(s)/Mail Date 	Paper No(s	Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152)	

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I. (claims 1-25) in the reply filed on 8-31-05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-3,5-7,17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sampson'165 et al.

The Sampson et al. reference discloses an evacuation system comprising a housing 10, an evacuation member 30 (i.e. rollers in Fig. 1 and blades or squeegees in Fig. 2), a valve (see pinch valve with movables fingers 150 or 68 and a motor driver 40.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3751

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al. in view of Ylitalo.

The Sampson et al. discloses an evacuation system (supra) including a pair of roller-type evacuation member, but does not disclose an evacuation member comprising a backing plate – type evacuation member. The Ylitalo reference discloses another evacuation system having an evacuation member comprising a roller/bearing surface arrangement (see reference numerals 60 and 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sampson et al. device by substituting a roller/bearing surface arrangement as, for example, shown by Ylitalo for the pair of rollers-type evacuation member wherein doing so would merely amount to the substitution of one type evacuation member for another that would work equally as well.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al.

The Sampson et al. reference discloses an evacuation system (supra), but does not disclose the evacuation member as being adjustable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the evacuation member adjustable, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Gutierrez et al. And Schalow et al. references pertain to references cited in a related PCT application.

Art Unit: 3751

Claims 4,8-14,18 and 20-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is (571) 272-4885. The examiner can normally be reached on Mon-Thurs 6:00-6:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stellen'O. Douglas Primary Examiner Art Unit 3751

SD

11-17-05